



3510-16-P

## **DEPARTMENT OF COMMERCE**

### **United States Patent and Trademark Office**

#### **Submission for OMB Review; comment request; “Matters Related to First Inventor to File”**

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* United States Patent and Trademark Office, Commerce

*Title:* Matters Related to First Inventor to File

*OMB Control Number:* 0651-0071

*Form Number(s):* None

*Type of Request:* Regular

*Number of Respondents:* 50,150

*Average Time Per Response:* 6.79 hours (between 2 and 10 hours, depending upon the instrument used).

*Burden Hours:* 340,300

*Cost Burden:* \$8,475.50

*Needs and Uses:* This information collection is necessary so that patent applicants and/or patentees may: (1) provide a statement if a nonprovisional application filed on or after March 16, 2013, claims the benefit of the filing date of a foreign, provisional, or nonprovisional application filed prior to March 16, 2013, and also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013: (2) provide a statement if a nonprovisional application filed on or after March 16, 2013, claims the benefit of the filing date of a foreign, provisional, or nonprovisional application filed prior to March 16, 2013, does not contain a claim to a claimed invention that has an effective filing date on or after March 16, 2013, but discloses subject matter not also disclosed in the foreign, provisional, or nonprovisional application: (3) identify the inventor, and ownership on the effective filing date, of each claimed invention in an application or patent with more than one named inventor, when necessary for purposes of a USPTO proceeding; and (4) show that a disclosure was by the inventor or joint inventor, or was by a party who obtained the subject matter from the inventor or a joint inventor, or that there was a prior public disclosure by the inventor or a joint inventor, or by a party who obtained the subject matter from the inventor or a joint inventor.

The USPTO will use the statement that a nonprovisional application filed on or after March 16, 2013, that claims the benefit of the filing date of a foreign, provisional, or

nonprovisional application filed prior to March 16, 2013, contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013, or that such application does not contain a claim to a claimed invention that has an effective filing date on or after March 16, 2013, but discloses subject matter not also disclosed in the foreign, provisional, or nonprovisional application (or lack of such a statement) to readily determine whether the nonprovisional application is subject to the changes to 35 U.S.C. §§ 102 and 103 in the AIA. The USPTO will use the identification of the inventor, and ownership on the effective filing date, when it is necessary to determine whether a U.S. patent or U.S. patent application publication resulting from another nonprovisional application qualifies as prior art under 35 U.S.C. § 102(a)(2). The USPTO will use information concerning whether a disclosure was by the inventor or joint inventor, or was by a party who obtained the subject matter from the inventor or a joint inventor, or that there was a prior public disclosure by the inventor or a joint inventor, or by a party who obtained the subject matter from the inventor or a joint inventor, to determine whether the disclosure qualifies as prior art under 35 U.S.C. § 102(a)(1) or (a)(2).

*Affected Public:* Businesses or other for-profits; not-for-profit institutions.

*Frequency:* On occasion

*Respondent's Obligation:* Required to Obtain or Retain Benefits

*OMB Desk Officer:* Nicholas A. Fraser, e-mail: Nicholas\_A.\_Fraser@omb.eop.gov.

Once submitted, the request will be publicly available in electronic format through [reginfo.gov](http://reginfo.gov). Follow the instructions to view Department of Commerce collections currently under review by OMB.

Further information can be obtained by:

- E-mail: [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include "0651-0071 copy request" in the subject line of the message.
- Mail: Joseph Rivera, Deputy Director, Office of Information Management Services, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Written comments and recommendations for the proposed information collection should be sent on or before [INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER] to Nicholas A. Fraser, OMB Desk Officer, via e-mail to [Nicholas\\_A.\\_Fraser@omb.eop.gov](mailto:Nicholas_A._Fraser@omb.eop.gov), or by fax to 202 395-5167, marked to the attention of Nicholas A. Fraser.

Dated: September 15, 2015

Joseph Rivera

Deputy Director, Office of Information Management Services, USPTO

Office of the Chief Information Officer

**BILLING CODE 3510-16-P**

**[FR Doc. 2015-24144 Filed: 9/22/2015 08:45 am; Publication Date: 9/23/2015]**